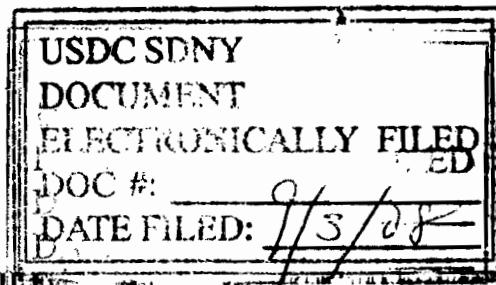


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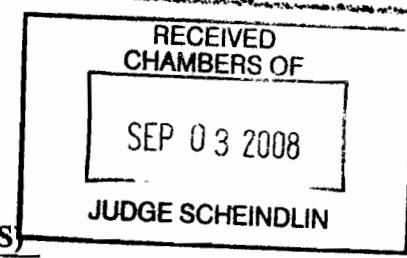
VIA FACSIMILE

Hon. Shira A. Scheindlin
 Daniel Patrick Moynihan
 United States Courthouse
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 New York, NY 10007

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September 3, 2008

Re: THOIP v. Walt Disney Company 08-CV-6823-SAS

Your Honor:

We represent Plaintiff in the above-captioned matter, and are in receipt of the Court's Order setting the initial scheduling conference for Monday, September 15, 2008.

We write to respectfully request the Court's adjournment of the initial scheduling conference. As a preliminary matter, I am lead counsel for Plaintiff and will be out of town for a week of previously-scheduled depositions in another matter beginning on September 15. Moreover, the parties are currently engaged in productive settlement negotiations. Defendant has voluntarily ceased distribution of the products at issue in the action during the pendency of these negotiations and in return Plaintiff has not yet served the Complaint or filed its originally-planned motion for a preliminary injunction. If the Court would kindly reschedule the initial conference for some time at the Court's convenience after the week of September 15, this would both give the parties sufficient time to complete settlement negotiations and allow my participation at the conference in the event the parties cannot reach a final agreement.

We have consulted with Defendant's counsel, Barbara Quinn, and Defendant concurs with this request for an adjournment. Opposing counsel is copied by e-mail for the sake of speed and her convenience. No other adjournments have been requested in this matter. We attach a proposed Order granting the adjournment, as required by the Court's Individual Rules and Procedures.

Thank you for your consideration of this request.

Respectfully submitted,

Paul M. Fakler

Plaintiff's request is hereby granted. The conference previously scheduled for September 15, 2008 at 5pm, is adjourned to September 22 at 5PM. SO ORDERED.

Dated 9/3/08

cc: Barbara Quinn, Esq. (By e-mail, Barbara.Quinn@disney.com)